UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-2785

TELEPAD CORPORATION,

Plaintiff - Appellee,

versus

N. CALEB AVERY,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Chief District Judge. (CA-94-1028-A)

Submitted: July 15, 1997   Decided: August 19, 1997

Before MURNAGHAN, WILKINS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

N. Caleb Avery, Appellant Pro Se. Jonathan Taylor Cain, MAYS & VALENTINE, L.L.P., McLean, Virginia, for Appellee.

PER CURIAM:

N. Caleb Avery appeals from the district court's orders denying his first, second, and third motions in limine, his motion to compel, and his motion to disqualify Telepad's counsel, as well as the orders entering judgment for Telepad Corporation in this contract and fraud action and denying his motions for reconsideration and for a new trial. The record does not contain transcripts of the hearings on the pre-trial motions, nor does it contain complete trial transcripts. Avery, as the Appellant, has the burden of including in the record on appeal transcripts of all parts of the proceedings material to the issues raised on appeal. Fed. R. App. P. 10(b); 4th Cir. Local R. 10(c). By failing to produce the transcripts or to qualify for the production of transcripts at government expense, Avery has waived review of the issues on appeal which depend upon the transcripts to show error. Powell v. Estelle, 959 F.2d 22, 26 (5th Cir. 1992); Keller v. Prince George's Co., 827 F.2d 952, 954 n.1 (4th Cir. 1987). We have reviewed the record before the court and the district court's opinions and find no abuse of discretion and no reversible error. We therefore affirm the district court's orders. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

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